

PATENT COOPERATION TREATY

REC'D 05 APR 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Applicant's or agent's file reference see form PCT/ISA/220		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
International application No. PCT/GB2005/000177	International filing date (day/month/year) 20.01.2005	Priority date (day/month/year) 23.01.2004
International Patent Classification (IPC) or both national classification and IPC F24C1/12, G07F15/00, G07D1/04		
Applicant NICHOLSON, Mark A.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of Invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Telephone No. +49 89 2399- 
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000177

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Re Item V.

Reasoned statement with regard to novelty, inventive step or industrial applicability.

1. Reference is made to the following documents:

D1: DE 203 01 207 U1 (SAYDA GERAETEBAU GMBH) 30 April 2003 (2003-04-30)
D2: GB 23179 A A.D. 1910 (WILLIAM EDGAR) 23 March 1911 (1911-03-23)
D3: GB-A-2 389 894 (KEITH LARKE) 24 December 2003 (2003-12-24)
D4: US-A-3 565 283 (RINALDO SCIACERO ET AL) 23 February 1971 (1971-02-23)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of **claim 1** does not involve an inventive step in the sense of Article 33(3)PCT.
3. Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses a heating unit for heating a patio.
4. The subject-matter of independent claim 1 differs from the disclosure of D1 in that said heating unit comprises a token-operated or coin-operated meter which allows the passage of the gas to the heater for a predetermined period of time.
5. The problem to be solved by the present invention may therefore be regarded as reducing the waste of gas.
6. The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) since a token-operated or coin-operated meter has already been employed for the same purpose, see document D2, page 1, lines 5 to 13. It would be obvious to the person skilled in the art (see PCT-Guidelines Part III, Chapter 13.05), namely when the same result is to be achieved, to apply these features with corresponding effect to a heating unit for a patio according to document D1, thereby arriving at a heating unit according to claim 1 .

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7. Dependent claims 2-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT). The reasons therefore are that additional features of said claims are either known from documents D2, D3 and D4, or are combinations of the features obvious to the man skilled in the art in consideration of the disclosure of the prior art named in the present proceedings, or they concern only modifications which lie within the normal practice of the man skilled in the art.
8. The subject-matter according to any of claims 1 to 31 is industrially applicable (Art. 33(4)PCT).

Re Item VII

Certain defects in the international application

1. To meet the requirements of Rule 6.3(b) PCT, the independent claims should be properly cast in the **two part form**, with those features which in combination are part of the prior art being placed in the preamble.
2. The **description** must be brought into conformity with the new claims to be filed (Rule 5.1(a)(iii) PCT); care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2) PCT).
3. To meet the requirements of Rule 5.1(a)(ii) PCT, documents **D1, D2, D3 and D4** should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
4. The definition of the **problem** underlying the invention should be presented in the description in such terms that its solution can be better understood in view of the disclosure of document **D1** (Rule 5.1(a)(iii) PCT).
6. Moreover, the applicant's attention is drawn to the fact that, as a consequence of

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Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.